

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:22CR00642 JAR
	)	
ERIC GATEN,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge John M. Bodenhausen (ECF No. 97). On January 4, 2024, Defendant Gaten filed a Motion to Dismiss Indictment/Counts (ECF No. 87), and later on that same date he filed an Amended Motion to Dismiss Indictment/Counts (ECF No. 89) which made no changes other than to change the date on the Certificate of Service. Magistrate Judge Bodenhausen recommends the Court deny Defendant's Motions to Dismiss Indictment/Counts.

Pursuant to 28 U.S.C. § 636(b), these matters were referred to United States Magistrate Judge John M. Bodenhausen, who filed a Report and Recommendation on January 19, 2024 (ECF No. 97). Defendant Gaten filed objections to the Report and Recommendation on February 1, 2024 (ECF No. 102), summarily stating that he objects to the conclusions drawn by Magistrate Judge Bodenhausen, but fails to provide any countervailing rationale for his position. The Government thereafter filed a Response to the Objections on February 16, 2024 (ECF No. 114). The Court finds that the Magistrate Judge's conclusions are supported by the evidence, and Defendant Gaten's objections are not persuasive.

The Magistrate Judge recommends that the Motions to Dismiss Indictments/Counts be denied. After de novo review of this matter, this Court adopts the Magistrate Judge's recommendation.


Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [97] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that the Motions to Dismiss Indictments/Counts [87 and 89] are **DENIED**.

**IT IS FURTHER ORDERED** that this case remains referred to Magistrate Judge John M. Bodenhausen for further pretrial matters, and will be set for trial upon completion of the pretrial phase of the case.

Dated this 22<sup>nd</sup> day of February, 2024.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE